

# The Federalist Society March Through the Institutions

As *EIR* reported last week, the same right-wing, tax-exempt foundations that are behind the fascist Carl Schmitt revival of the past 20 years—attempting a coup against the U.S. Constitution—have also bankrolled a “Schmittlerian” march through the judicial institutions, via the misnamed Federalist Society. We provide detailed profiles here of the Society and its numerous tentacles.

## Federalist Society for Law And Public Policy Studies

Founded in 1982, to serve as a recruiting ground for right-wing lawyers and law students, and a channel for appointing Federalist Society ideologues in Republican Administrations. Through its “practice groups,” litigators for conservative activist organizations map out strategies and theories for potential litigation on various issues to attempt to change the law.

The Institute for Educational Affairs provided \$25,000 seed money for the first symposium of the newly founded Federalist Society in 1983. Major funders are the John M. Olin Foundation, Sarah Scaife Foundation, Lynde and Harry Bradley Foundation, and Lilly Endowment.

### *Key Personnel—Board of Visitors:*

**Robert Bork:** Co-Chairman; Former Judge, U.S. Court of Appeals, D.C. Circuit; Reagan nominee to U.S. Supreme Court (not approved by Congress).

**Orrin Hatch:** Co-Chairman; U.S. Senator (R-Utah); Chairman, Senate Judiciary Committee.

**C. Boyden Gray:** Senior Advisor; subcommittee chairman of Administrative Law and Regulation practice group; Partner, Wilmer Cutler Pickering Hale & Dorr; heir to R.J. Reynolds tobacco interests; Counsel to the Vice-President George H.W. Bush; Counsel to the President George H.W. Bush; Chairman of Citizens for a Sound Economy; Bush-Cheney Transition Department’s Justice Advisory Committee; member of Legal Advisory Council of National Legal Center for Public Interest.

**Edwin Meese III:** Former U.S. Attorney General.

**Theodore Olson:** Former U.S. Solicitor General (G.W. Bush).

**William Bradford Reynolds:** Former Assistant Attorney General Civil Rights Division.

**Donald Hodel:** Former president of Christian Coalition.

**Robert A. Levy:** Director of Institute for Justice, Senior Fellow at Cato Institute.

**Gerald Walpin:** President, Federal Bar Council; Director, Center for Individual Rights.

### *Other Key Members and Activists:*

**Steven Calabresi:** Co-Founder, present National Co-Chairman of Board of Directors; Professor, Northwestern University School of Law; clerked for Judges Ralph Winter, Robert Bork, and Antonin Scalia; served in the Reagan and Bush Administrations from 1985 to 1990; leading proponent of “unitary executive” doctrine.

**David McIntosh:** University of Chicago Chapter Co-Founder; present National Co-Chairman of Board of Directors; Justice Dept. in Reagan and G.H.W. Bush Administrations; executive director of Vice President Dan Quayle’s Counsel on Competitiveness; Congressman from Indiana; ran for Governor of Indiana and lost in a landslide.

**Eugene Meyer:** Executive Director and President; Member of Legal Advisory Council of National Legal Center for Public Interest.

**T. Kenneth Cribb Jr.:** Director and Counselor.

**Michael Carvin:** Civil Rights practice group chairman; Founder and board member of Center for Individual Rights.

**Manuel Klausner:** Free Speech and Elections practice group Past Chairman; Former director, Institute for Justice; General Counsel, Individual Rights Foundation.

**Michael E. Rosman:** Vice chairman of Civil Rights practice group; Center for Individual Rights General Counsel.

**James Bopp, Jr.:** Subcommittee chairman of Free Speech and Elections practice group; General Counsel to National Right to Life Committee, Legal Counsel to Christian Coalition; General Counsel of James Madison Center for Free Speech.

**Roger Clegg:** Past Chairman of Civil Rights practice group; Deputy Assistant Attorney General in the Reagan and G.H.W. Bush Administrations; Chief Counsel of Center for Equal Opportunity.

**Kenneth Starr:** Chairman-Elect of Litigation practice group; former Judge, U.S. Court of Appeals, D.C. Circuit; former Independent Counsel against President Bill Clinton; member of Legal Advisory Council of National Legal Center for Public Interest.

**John Norton Moore:** Past Chairman of International and National Security Law practice group; professor, University of Virginia School of Law; putative author of 1981 Executive Order 12333.

**Antonin Scalia:** Justice, U.S. Supreme Court.

**John Ashcroft:** Former U.S. Attorney General.

**Gale Norton:** Secretary of the Interior.

**Larry Thompson:** Former Deputy U.S. Attorney General

**Viet Dinh:** Assistant U.S. Attorney General for Legal Policy.

**Spencer Abraham:** Charter member; U.S. Senator (R-Mich.); Member, Senate Judiciary Committee; former Secretary of Energy in G.W. Bush Administration.

**Linda Chavez:** Founder and President, Center for Equal Opportunity.

**John Engler:** Former Governor of Michigan.

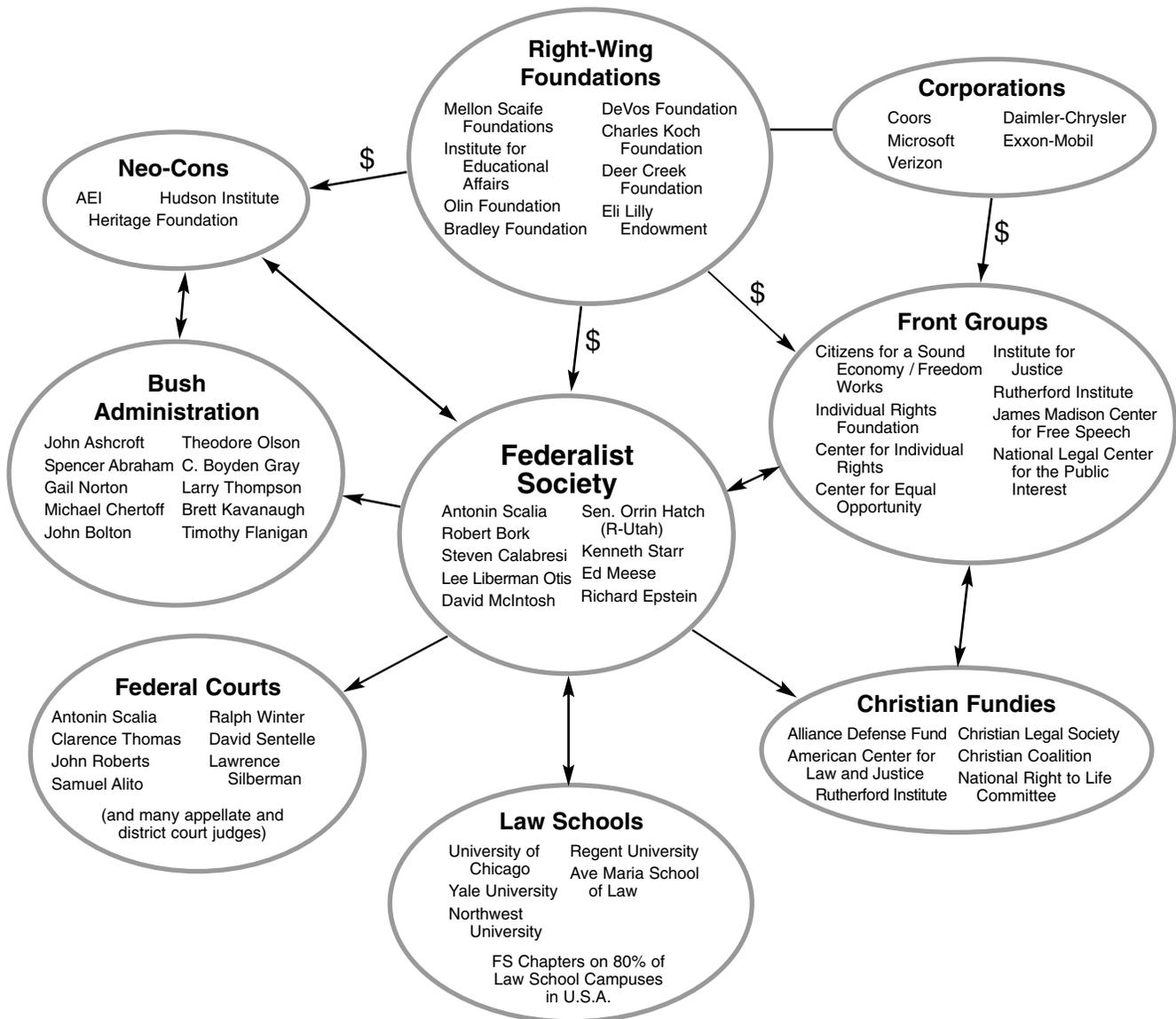
**Lee Liberman Otis:** University of Chicago Chapter Co-

Founder; clerked for judge **Antonin Scalia**; trained at Meese DOJ in Reagan Administration. Assistant General Counsel under **C. Boyden Gray** in G.H.W. Bush White House (screened candidates for the Federal bench); U.S. Energy Dept. General Counsel in G.W. Bush Administration.

**Charles Murray:** Author, *The Bell Curve*.

### Institute for Educational Affairs

Founded 1978. Merged in 1990 with Madison Center (founded in 1988 by Straussians William Bennett, Allan Bloom, and Harvard professor Harvey Mansfield) to form the Madison Center for Educational Affairs. Its stated purpose is to seek out promising Ph.D. candidates and undergraduate leaders, help them establish themselves through grants and



fellowships, and then get them jobs with activist organizations, research projects, student publications, Federal agencies, or leading periodicals. IEA established the Collegiate Network of right-wing student publications.

Received start-up grants of \$100,000 from the Olin, Scaife, J.M and Smith Richardson foundations, as well as substantial corporate contributions. Continued funding by Bradley, Olin, Sarah Scaife, and Carthage Foundations.

*Key Personnel:*

**William Simon:** Former Secretary of the Treasury; Chairman, Olin Foundation.

**Irving Kristol:** Former Trotskyist activist; Congress of Cultural Freedom; leading figure in creation of neo-conservatism.

**Citizens for a Sound Economy/FreedomWorks**

Founded in 1984, by oil and gas tycoons, brothers David H. and Charles G. Koch, principal owners of Koch Industries of Wichita; Merged in 2004 with Empower America (which was co-founded by Jack Kemp and William Bennett) to form FreedomWorks)

Stated purpose: “FreedomWorks fights for lower taxes, less government and more economic freedom for all Americans.” It has opposed health-care reform and a rise in the minimum wage, while championing corporate tax cuts, dere-

gulation, and a balanced budget. Funded by major corporations.

*Key Personnel:*

FreedomWorks Co-Chairman **Dick Armey:** former House Majority Leader.

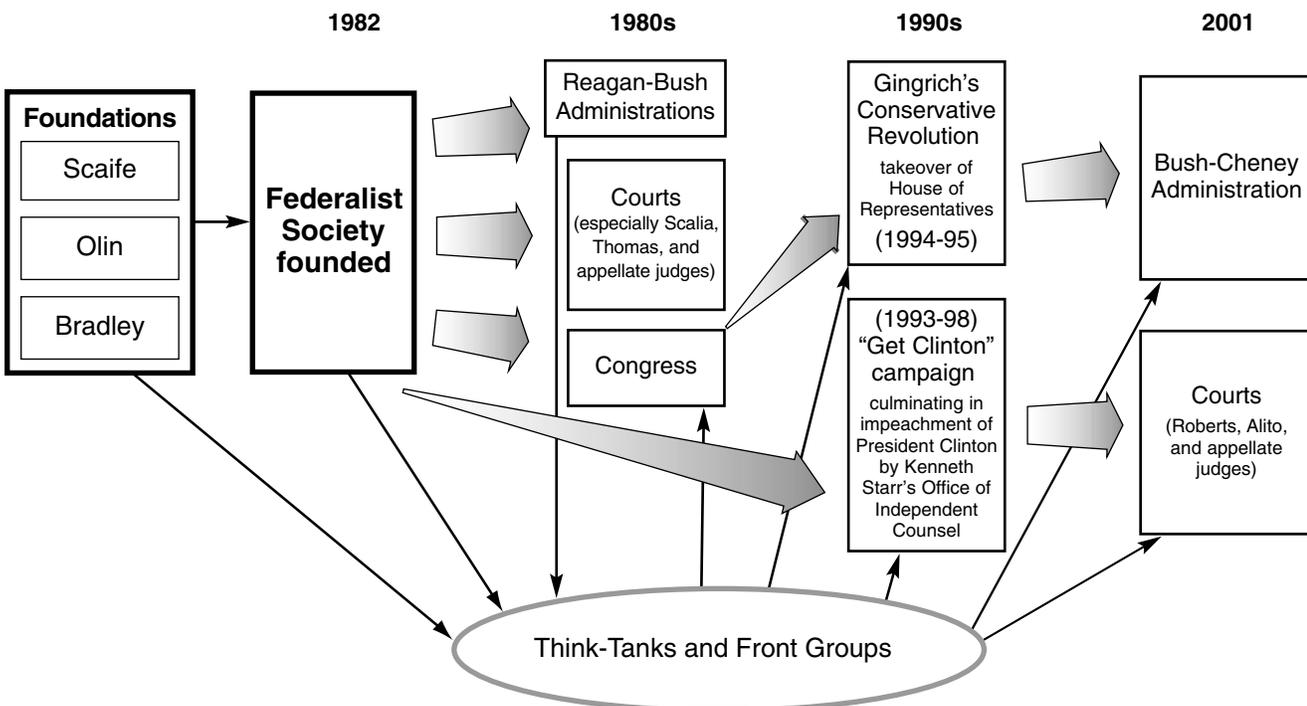
CSE Chairman, FreedomWorks Co-Chairman **C. Boyden Gray.**

**National Legal Center for the Public Interest**

Founded in 1975, derived from Pacific Legal Foundation (PLF); served as an umbrella organization funding eight new legal foundations and acting as coordinating center for PLF and the new regional foundations. In early 1980s, after regional foundations had been established (including Washington Legal Foundation), became a research and publishing organization. It also provides educational publications and educational forums to advance what it calls individual rights, free enterprise, private ownership of property, balanced use of private and public resources, limited government, and a “fair and efficient judiciary.”

Initial funding came from J. Simon Fluor (fortune accumulated from mineral, oil, nuclear, and other industries), who had also bankrolled PLF. Grants from Carthage, Sarah Scaife, John M. Olin, Lynde and Harry Bradley, and Scaife Family Foundations; contributions from several dozen major busi-

**Chronology: The Feddies' Line of March**



ness-associated foundations and trusts. Seed money for the regional foundations was provided by General Motors, Ford, Texaco, Exxon, Gulf and Mobile, and the Scaife foundations.

Legal Advisory Council includes **William P. Barr** (former U.S. Attorney General), **Joseph E. diGenova** (former U.S. Attorney, District of Columbia), **C. Boyden Gray**, **Eugene Meyer**, **Theodore Olson**, **Kenneth Starr**, **William K. Suter** (Clerk of the U.S. Supreme Court), **Dick Thornburgh** (former U.S. Attorney General).

### **Individual Rights Foundation**

Founded in 1993 as the legal arm of the Center for the Study of Popular Culture (founded by former New Left figures David Horowitz and Peter Collier); litigates high-profile conservative and libertarian public interest cases; operates primarily through the efforts of General Counsel **Manuel Klausner** and IRF-affiliated attorneys. IRF is heavily involved in the lawsuit concerning the Boy Scouts of America policy on homosexual BSA leaders, and campus political correctness cases defending “hurtful speech.”

Funded by Olin, Bradley, Sarah Scaife, Carthage, Allegheny, Hickory, Randolph, and Castle Rock Foundations.

General Counsel **Manuel Klausner** was lead attorney for Californians Against Discrimination and Preferences; defended constitutionality of California’s Proposition 209 (anti-affirmative action statute); has worked to block benefits to illegal immigrants in California.

### **Center for Individual Rights**

Founded in 1988, by Michael McDonald & Michael Greve (leader of the “Constitution-in-Exile” movement), who had worked at the Washington Legal Foundation. “Public interest” lawfirm, which according to its website connects “conservative, libertarian and moderate” attorneys in for-profit firms with cases “to bring about meaningful legal change.” Website’s summary of cases shows a concentration on campus political-correctness speech cases, anti-affirmative action cases including one defending California’s Proposition 209 (see Individual Rights Foundation, above), and racial- or gender-bias cases.

Funded by conservative and libertarian foundations such as those run by Richard Mellon Scaife.

*Key Personnel:*

General Counsel **Michael E. Rosman**.

Director **Gerald Walpin**.

### **Center for Equal Opportunity**

Founded in 1995 by Linda Chavez, based on work at the Manhattan Institute, with the encouragement Olin Foundation Chairman William Simon and Executive Director Jim Pierson. Think-tank devoted exclusively to issues of race, ethnicity, language, and assimilation. Opposes racial preferences, affirmative action, and bilingual education programs. Funded by Olin, Sarah Scaife, Bradley, Castle Rock, and Smith Richardson Foundation.

*Key Personnel:*

Founder and President **Linda Chavez**: former assistant to American Federation of Teachers President Al Shanker; appointed to several positions by Reagan and Bush administrations, including staff director of the U.S. Commission on Civil Rights.

Vice President and Chief Counsel is **Roger Clegg**.

### **Institute for Justice**

Founded in 1991, as litigation center of the “Constitution-in-Exile” movement. Self-description: “IJ litigates to secure economic liberty, school choice, private property rights, freedom of speech and other vital individual liberties and to restore constitutional limits on the power of government. . . . IJ trains law students, lawyers and policy activists in the tactics of public interest litigation . . . challenges the ideology of the welfare state. . . .” Funded by Olin, Bradley, Sarah Scaife, Kirby, Donner, and the Claude R. Lambe Foundations.

*Key Personnel:*

Co-founder, and Counsel for Strategic Litigation, **Clint Bolick**: formerly of right-wing Landmark Legal Foundation.

Co-founder, President, and General Counsel, **William “Chip” Mellor**: former president of right-wing Pacific Research Institute.

Director, **Robert A. Levy**.

### **American Center for Law and Justice**

Based at Pat Robertson’s Regent University, Virginia Beach, Va. “Someone has got to stop the ACLU [American Civil Liberties Union] in court. And that’s exactly what we are going to do at the American Center for Law and Justice,” said Pat Robertson in 1990.

### **Christian Legal Society**

Springfield, Va.; founded in Chicago in 1961; has chapters in 169 of the 181 American Bar Association-certified law schools across the country, and estimates their “impact” at 4,000 lawyers or professors per year. They focus their activity around national recruiting conferences, and a series of on-campus publications. In the late ’70s, the CLS underwent a massive expansion, and, in 1980, opened its Center for Law and Religious Freedom in Washington, D.C.

### **Rutherford Institute**

Charlottesville, Va. Dedicated to the concept of “Christian Reconstructionism,” (also known as “Dominionism”) the doctrine that the United States needs to be broken down and “reconstructed” according to Old Testament law. Represented Paula Jones in civil suit against President Bill Clinton. Funded by the Richard and Helen DeVos, the Bill and Berniece Grewcock and the Orville D. and Ruth A. Merillat Foundations.

*Key Personnel:*

**R.J. Rushdooney**, **John W. Whitehead**.

—Mark Bender and George Canning